

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

MENDEL PANETH,

Debtor.

Chapter 11

Case No. 22-41414-nhl

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**ORDER AUTHORIZING ASSUMPTION OF REAL ESTATE LISTING
AGREEMENT AND RETENTION OF REAL ESTATE BROKER BY THE
INDIVIDUAL DEBTOR AND DEBTOR-IN POSSESSION**

UPON the application dated August 30, 2022 [ECF No. 22–1] (the “Motion”) of Mendel Paneth, the above-captioned individual debtor and debtor-in-possession (the “Debtor”), by and through the Debtor’s counsel, Corash & Hollender, P.C., seeking entry of an Order, pursuant to 11 U.S.C. §§ 365(a), 327(a) and 328(a), authorizing the Debtor (i) to assume the Listing Agreement for Sale of Real Property by and between the Debtor and DiTommaso Real Estate, a fully executed copy of which is annexed as Exhibit “A” to the Motion (the “Listing Agreement”), concerning the marketing and sale (the “Sale”) of the Debtor’s real property, commonly known as and located at 85 Bolivar Street Staten Island, NY 10314 (the “Property”), and (ii) to retain DiTommaso Real Estate as Real Estate Broker for the Debtor in connection with such sale; and upon the Affidavit of Joanne Impellezzine of DiTommaso Real Estate, in support of the relief sought in the Motion [ECF No. 22-2], a copy of which is annexed thereto (the “Impellezzine Affidavit”); and the Court having issued an Order on September 1, 2022, upon the Debtor’s *ex parte* motion therefor, scheduling a hearing on shortened notice to consider the Motion [ECF No. 24] (the “Scheduling Order”); and upon the record of the hearing conducted by videoconference on September 13, 2022 (the “Hearing”), the transcript of which is incorporated herein by reference, and at which appeared, among other parties in interest, Paul Hollender, Esq., for the Debtor and in support of the Motion, and Reema Lateef, Esq., for the Office of the United States Trustee; and it appearing that due and

sufficient notice of the Hearing having been given in accordance with the Scheduling Order, as evidenced by the certification of service filed on September 2, 2022 [ECF No. 27]; now, therefore, after due deliberation thereon and good and sufficient cause appearing therefor, it is hereby

ORDERED, that the Motion is granted as set forth herein; and it is further

ORDERED, that the Debtor be and is hereby authorized to assume the Listing Agreement with DiTommaso Real Estate, pursuant to 11 U.S.C. § 365(a), upon the terms and conditions set forth therein; and it is further

ORDERED, that the Debtor be and is hereby authorized to retain DiTommaso Real Estate as the Debtor's Real Estate Broker in connection with the sale of the Property, effective as of June 19, 2022, to perform such services in connection with the sale of the Property, as more fully described in the Motion and the Impellezine Affidavit, upon the terms and conditions set forth therein; and it is further

ORDERED, that DiTommaso Real Estate shall be entitled to be paid by the Debtor, as compensation for such services rendered as the Debtor's Real Estate Broker, a real estate commission at the closing of a sale of the Property, *which sale, if any, shall be subject to approval by further Order of this Court, after notice and hearing, pursuant to 11 U.S.C. § 363(b) and Fed. R. Bankr. P. 2016 (NHL)*, in the amount of up to three percent (3%) of the purchase price, payable from the sale proceeds.

**Dated: October 4, 2022
Brooklyn, New York**



Nancy Hershey Lord

**Nancy Hershey Lord
United States Bankruptcy Judge**